

**PHILIPSTOWN PLANNING BOARD
MEETING MINUTES
June 18, 2020**

The Philipstown Planning Board held its regular monthly meeting on Thursday, June 18th, 2020
Via Zoom

Present: Kim Conner - Acting Chair
Dennis Gagnon
Neal Tomann
Peter Lewis
Laura O'Connell
Heidi Wendel
Ronald J. Gainer, PE, Town Engineer
Stephen Gaba, Counsel

Absent: Neal Zuckerman - Chair

Kim Conner opened the meeting at 7:40 p.m. with the Pledge of Allegiance.

Roll call was taken by Mrs. MacIntyre.

A. Minutes

The minutes of the May 21st, 2020 regular Monthly Meeting were reviewed and approved.

B. Correspondence

Glenn Fredico – 385 Indican Brook Road (return of bond monies being held by Town)

Steve Gaba was directed to research the issue and advise the Planning Board at the July mtg what actions are necessary. Ron Gainer explained that, based upon the correspondence submitted, this DOES NOT concern escrow monies posted for covering consultant expenses in processing the original Planning Board application; it appears to relate to monies posted with the Town to ensure completion of required landscaping improvements.

Kim Conner stated that Mr. Ferdico sent an email and stated that he has a buyer for the property and that's why he needs this cleared up. Kim Conner stated that it will be moved to next month's meeting.

C. OLD BUSINESS

CRS International Self Storage Warehouse/office, 2751 Route 9, Cold Spring TM#38.-3- 64

Ron Gainer stated that the applicant made a formal presentation of the plans at the May meeting, and has now submitted plans that the board has received for tonight's meeting. Ron Gainer asked if the applicant would like to make any further presentation on the plans that they have submitted. If not, the board can move forward with the procedural issues that are in progress. Ron Gainer asked if there was anything that Glenn Watson would like to add.

Glenn Watson stated there was one particular issue that came up last month which was the sight lines for the traffic moving out. We had realigned the intersection; we had a design consultation and follow up letter from John Canning Traffic Engineer with regards to the actual

throat to the proposed entry. Towards the end of the meeting there was a question with regards to sight lines. We do have a drawing that shows all four critical sight distances. We exceed the recommendation by least a hundred feet. I think that 135 feet is the smallest one and we are upward of 300 to 400 feet based on the as-built survey that we did for Joe Giachinta when he first put in the driveway intersection in. The other thing that was an issue was the wetlands and I think you should take a look at that. Across the road is a trailer park, and the wetlands are at least 100 feet to the south and across the road.

Ron Gainer stated that concerning the procedural issues that have been in progress since the last meeting, the County Planning Department GML239 referral has been issued, so you can wait for their comments to come back before the July meeting. With respect to SEQRA, a coordinated environmental review was authorized by the board. The lead agency circulations were likewise issued. Those referrals went to New York State DOT, New York State Department of Environmental Conservation, Putnam County Department of Health and we also did make a referral to the Town Conservation Board. All those comments are due back before the July meeting.

Kim Conner asked if the board also wanted to make a referral to the North Highland Fire Department or the Garrison Fire Department? Ron Gainer stated that was a question that was raised, as it is something that you usually done, especially for a commercial site plan. Bob Flaherty stated that would be North Highland Fire Department, not Garrison. Ron Gainer stated that if the board would like to make the referral Kim Conner should ask for that motion.

Kim Conner asked if anyone would like to make the motion to refer the project to the North Highland Fire Department?

Mr. Gagnon made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Ron Gainer stated that the next step would to set a public hearing. Kim Conner asked if anyone has a question on this?

Dennis Gagnon stated that he did. I was wonder if the drawing that we received is reflective of the entry access that John Canning put down as satisfactory to make turns in and out of the site?

Glenn Watson stated that there was a letter that accompanied the submission from Mr. Canning. We engaged him with the idea that he would design it. John Canning said design it like this, which we did but we do have some constraints. We can't get a full 53-foot trailer turning right out of the entry to go south. That restriction is imposed by the New York State with regards to the maximum permitted width of the driveway. We flattened the radii of the curve, we made it as wide as we could. The other turning movements were fine and the one will be a restriction placed on suppliers to utilize a shorter trailer.

Dennis Gagnon asked what will stop a vender from getting a larger truck? The vender is picking up a trailer from who knows where, how is that controlled? Glenn Watson stated that the owner said they do not get 50-foot trailers. Glenn Watson stated that he doesn't know how to answer that question to be honest. We have consulted with DOT and that is the best intersection that we can get.

Dennis Gagnon stated that he is concerned with what is going on with the present site with all the trailers and the backups occurring on Route 9.

Glenn Watson stated that is why this new location is being considered. Glenn Watson stated with the new location there will be no need to back up off of Route 9. They can drive in moving forward and they can go around the building and they can go out moving forward. Once we are done here, we will have to go to DOT and get the entry approved.

Kim Conner asked if there is any way to control what size trucks go into the site? Kim stated that they have put conditions of the size vehicles that can go into a place.

Steve Gaba stated that is correct, you can put conditions which the applicant has offered as a note on the site plan and then if there is a problem with vehicles that are oversized coming in that's a violation of site plan approval which can be handled by the Building Department. We would not want to impose a condition like that unless it was absolutely necessary.

Glenn Watson stated that the two properties can not be compared. The new site has plenty of site distance and they are happy to put a note that 50-foot trucks are not welcome.

Laura O'Connell asked when is the traffic study come through? Glenn Watson stated that there was no traffic study being done. At the last meeting Steve Gaba stated that is it possible the Town could hire their own traffic consultant. But, at that meeting Ron Gainer advised the Board that the DOT will have the ultimate jurisdiction on this. We did submit a letter in regard to an evaluation of the functioning of the intersection that has been submitted last month. We are also ready to submit a drawing that shows we have exceeded the minimum sight distance in all cases that are studied like this.

Laura O'Connell stated that it is also about the frequency of the trucks. They are increasing their footprint, they are increasing their square footage, so they are increasing their volume. If they are increasing their volume, they are increasing the amount of trucks that are going to be visiting the site. So, the question is what is the increase of that frequency that is going to be turning into that site. So, a single truck making that turning radius may be a question, but if there are multiple trucks are doing that at a much more increased frequency then I would just be concerned. I don't know if that's a DOT question or the Town's.

Glenn Watson stated that they can get them an estimate of what that truck traffic would be. We have demonstrated quite adequately at the last meeting that there were several trucks that could be parked on site and they will not be leaving one right after the other. They will be loading or unloading so there will be a time lapse in between them leaving. Glenn Watson stated that they showed that they can fit 7 trucks in there at once. I will be happy to get a letter from the owner on what his truck delivery estimates are.

Kim Conner stated that she has two questions. The first one is the septic at the front of the area. The plans say that the septic fields are at the front where the grass is. So, that has to be approved by Putnam County Department of Health?

Glenn Watson stated that it is an approved system that Mr. Giachianta put in before, and its size is adequate for our needs. Kim Conner stated that she thought that when they approved the septic system originally that there was some sort of pervious paving. Was that the stormwater runoff that generated the need for pervious paving? It wasn't the septic near the pervious paving?

Glenn Watson stated that the previous plan had a very large stormwater management system in the back, and that was subject to a lot of discussion. We are working on this one so we may add a little landscaping in the back so it won't look so industrialized.

Ron Gainer he wanted to address the sanitary issue. Referrals have been made to the Putnam County Health Department as part of the SEQRA environmental review. They will have an opportunity to check in on the matter. The sanitary system was never completed, and so I'm certain they never issued a Certificate of Compliance on the system. So they will still have a very important roll to play in this application.

Kim Conner asked about the sign in the front - is it lighted?

Glenn Watson stated that he didn't know the answer to that and he would get the information for the Board.

Kim Conner stated that the other concern that the board has is the screening for the neighbors. This is a large building within somewhat of a residential neighborhood.

Glenn Watson stated that there are more detailed plans in the packet regarding the landscaping that we are proposing.

Ron Gainer stated that there was a plan view of a proposed landscaping plan submitted. However, there are significant details that are lacking in that in the terms of identifying species, numbers of planting, their height at planting and things of that sort. Further information should be forthcoming from the applicant in future submittals that you will be able to review.

Laura O'Connell asked if they have to identify the age of the species of when it gets planted initially? Ron Gainer stated that information is requested in his technical memorandum, to seek that information from the applicant.

Steve Gaba stated that he agrees with Glenn Watson that you are probably ready for a public hearing on this application. There are some outstanding things like landscaping and the traffic but, I think the plan is the plan and its ready for public comments. Steve Gaba stated that Neal Zuckerman and the board decided to hold off on public hearings while the ZOOM format for the meetings. What I recommend is that we schedule the public hearing for July, and if we can't go back to some form of limited public comments at the meeting then you would just open and adjourn it immediately to August at the July meeting, and we'll see how things are in August. If there looks like there is not going to be a lift in the meeting restrictions anytime soon, I think the Planning Board is going to have no alternative but to go forward with public hearings in this format.

Glenn Watson stated that it's not the only alternative. The other alternative to follow the governors order that specifically set up this type of meeting and stayed the law with regards to public hearing to allow ZOOM meetings as public hearings.

Steve Gaba stated that the board could wait another month and if things don't open up then it's

up to the board to hold it in August.

Glenn Watson stated that people are waiting to do things and people have to consider that too.

Steve Gaba stated that the board could open the hearing and hold to some extent the public hearing in July, and then it would hold the public hearing open until August to allow for written comments, emails and the like, and then close it in August to give everyone two bites of the apple. Glenn Watson stated that seems like more a reasonable alternative.

Kim Conner asked if the board feels one way or another about having a public hearing and then holding it over until August so there is enough time for people to write in? Or do we think we would rather wait until August when we might have a better chance of doing it in person? Kim Conner asked Dennis.

Dennis Gagnon stated that he thinks we should really start momentum going for these public hearings one way or another. Dennis Gagnon stated that Glenn Watson is right, people are trying to get things done and if there is anything we can do to help facilitate that I think we should. I think we should we the meeting in July and keep it open for another month for input. Kim Conner asked if anyone else had an opinion.

Neal Tomann stated that he is going to weigh in with Dennis Gagnon on this one. I think we need to figure out how this is going to move forward. I'd feel better if we figure out how to get public hearings moving whether its through ZOOM or using a different venue but, I think they have done a good job answering our questions here so I would like to see if we can move it along. Kim Conner asked if there was anybody else? No.

Kim Conner stated that it is true that things need to start moving. Kim Conner stated that it is important that with public hearing that the public has the access to computers and that they understand ZOOM meetings. I think that if we are going to open things up, I am in favor that everybody gets a chance to be heard. That everybody has a chance to see the video and the presentations. The one thing with this format the public can't see the documents presented and I think that is harder for them to understand what is going on. Would anyone like to make a motion to set a public hearing for July and August? At this point I think we are ready to entertain that motion.

Steve Gaba stated that it would be to make a motion to set a public hearing in July and then in July you would decide what you're going to do.

Mr. Gagnon made the motion to schedule the public hearing for the July meeting, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Magazzino Italian Art Foundation, 2700 Route 9

TM#38.-3-24.1

Kim Conner stated that there are two applications, and asked Glenn Watson if they are proceeding in parallel? Glenn Watson stated yes, they are. Glenn stated that the board wanted to see the whole project as one and that's what this latest filing accomplishes.

Kim Conner addressed the lot line adjustment and asked Glenn Watson if he has anything to add.

Glenn Watson stated that he has some pictures regarding the lot line adjustment. Glenn stated that the whole story is in the three left hand color panels (referring to the map). On the bottom panel what they have today is 9 acres and a 50 plus acres adjacent parcel in blue and yellow. We are planning on acquiring more of the Cyberchrone property to enlarge the Magazzino property, and that would be the Green piece in the middle and that would bring the property up to 14 acres. The top panel shows you what the result is. Most of the land being acquired is wetland and being acquired for protection, except up in the upper right-hand corner. At the top of the map near the red dotted line that is where we're proposing the scholar's residence which were the staff residents that we talked about before. We originally had it located down on the existing parcel, but we were planning to move it up to the corner of the red dotted lines. Glenn Watson stated that he wanted to point out to the board that there is a change to this map since they made the site visit. There is a solid line about the red dotted line that went all the way across to the road, and a number of the board members asked what was going to happen to this little driveway that Mr. Fadden has on the Cyberchrone property that goes to the north. Mr. Fadden wanted to keep that driveway, so we have changed it so that driveway you saw and looked at out there is no longer part of the land that will be acquired. The difference in the area that was of this little triangle piece here was made up by three-foot swing in this long boundary line, with a pivot point being out here at Route 9. The solid line at the top of the map swung about three feet to the north so, minimal change there.

Bob Flaherty asked if the scholar's residence Glenn Watson is talking about is not part of this application right at this particular time?

Glenn Watson stated that the scholar's building is actually a residential structure. It's a three-bedroom residential structure and there are terms where scholars come to study there and they will be housed in this building. Glenn Watson stated that it is part of this particular plan at this time.

Miguel Quismondo stated that they are planning on constructing the new building but the scholar's residence is part of the overall plan.

Ron Gainer stated that the presentation of the new compilation site plans now also illustrates the lot line adjustment proposed. Ron Gainer stated that the necessary referrals have gone out for the project. There has been a GML 239 referral to the County Planning Department, and then there's been a coordinated environmental (SEQRA) review that's been initiated. The lead agency circulation documents likewise have gone out to the various agencies, including the Department of Health, DOT, DEC and the Town Conservation Board. The 30-day period for comment under the lead agency circulation will expire on July 11th, so just prior to the July meeting. So, if any agency wishes to object you will have their comments by July. If there are no comments received you can move SEQRA forward at that time.

Kim Conner asked if that doesn't include the Fire Department?

Ron Gainer states that, with respect to the site plan, you have to recognize this is a new application. The lot line adjustment was a separate application that was filed back in February. So, with respect to this site plan you have to go through your normal process, and the first thing you do is classify the project. Therefore, the board should classify it as a "major project" pursuant to the Zoning ordinance, that's usually the first step. Then you would consider whether to have a site visit. Ron Gainer stated that the board has done one at the site in the past, and you attempted to look at the overall project scope that they had proposed. But, the latest drawings now indicate the building in a different location than you understood at the prior site visit you had conducted. Ron Gainer said he didn't know if the board wanted to do another site visit to evaluate the proposed building location, sanitary disposal area and things like that.

Kim Conner asked if the board needs to make a motion to set a public hearing for the lot line adjustment?

Steve Gaba stated that the board would not hold the public hearing separately on these two applications. Until the board is going to hold a public hearing on the site plan you should hold off on the public hearing on the lot line adjustment. Steve Gaba stated that he is a little troubled by the scholar's residence. Steve Gaba stated that you can have mixed uses. You can have a museum and a home and I know a caretakers building is something that is recognized as a permitted accessory use certainly in Philipstown. But, the scholar's residence sounds almost like a boarding house, something I'm not sure how that is going to work or if it's a permitted use or accessory use. Steve Gaba stated that he would like to hear more about that.

Kim Conner asked for Glenn Watson to tell the board more about the site plan application.

Glenn Watson stated that Miguel Quismondo would be speaking on the new site plan application.

Miguel Quismondo, the Architect for Magazzino, stated that he was just going to go over what he stated last meeting unofficially. He stated that he wanted to talk about the ideas for the proposed new building on Route 9 (and during his presentation referred to various drawings which were shown on screen). Quismondo stated that there are two applications in process. One is the lot line adjustment of five acres from CF Diversified and, once that happens, we want to incorporate accommodations for the scholar in residence that Magazzino sponsors every year. We have a residence in Beacon where they stay and do research, and they prepare art and have a research center and produce research material at the end of the year. We want to continue to do this and it would be the idea to have them stay on the property rather than to do it remotely.

Miguel Quismondo is showing on the map the location of the existing building, the parking lot and cooling tower, fire pump, generator, transformer that serve the building. We want to place a new building nearby so we can take advantage of what they already have in place, particularly the fire pump and cooling tower. We will be working perpendicular to the existing building. On the first floor we will have a café and reading room and then in the basement multi-purpose. Educational activities with students. The rest of the basement will be for storage, mechanical and electrical spaces. The two buildings will be connected through the driveway coming off of Route 9. We would like to have a one-way directional flow so there is no conflict on the traffic.

Miguel Quismondo stated that they didn't know how the place was going to be received originally. Now that they know it has been well-received, they want to add space for activities. Now that the town is allowing us to be a museum, we are filing this application as a museum and obviously we are designing the building to respond to any public assembly requirements and also responding to that occupancy with appropriate parking. They are currently using a tent on the property shown on the map for events. We would like to make it a permanent space for seasonal events. We are calling it a gazebo so it will be a metal structure with a roof and no walls and that is where we would place it within the buildable area at the tent's location. In the back is the wetland buffer which we are well away from. Where the driveway will be there is a wetland buffer and we will be avoiding that area. The highest corner of the new building will be 34 feet, and the rest of the building will be at 24 feet. The present Magazzino building now is 25 feet. Miguel Quismondo stated that he has read Ron Gainer's comments, and the building will be white stucco to match the existing building. For landscaping we plan on screening from Route 9 as possible. We have listed all the plants that we are going to use. We have all the evergreens on hand and would like to plant them as soon as possible so they grow before we even start construction.

Ron Gainer asked if the landscaping Miguel Quismondo is showing represents their size at planting. Miguel Quismondo stated that yes, it is. The trees are going to grow within 5 years we hope but we are trying to show an accurate representation. Ron Gainer asked if that view represents what it would look like immediately upon development of the site. Miguel Quismondo stated that is correct. They are within 8 to 10 feet as of right now.

Kim Conner asked Ron Gainer if the Conservation Board would have to approve the planting for that wetland and buffer? Ron Gainer stated yes. They did on the original concept and they would have to be involved in this as well.

Miguel Quismondo stated that they are not planting in the buffer, to avoid any problems. Kim Conner asked, to be clear, on the south side of the driveway there is no wetland buffer?

Glenn Watson stated that there is a wetland south of the driveway but we are staying out of that area.

Miguel Quismondo stated that there are two signs that they would like to incorporate into the corners of the property. The signs would state the name Magazzino and the distance to the entrance. We are 460 feet on one side and 700 feet on the other side as shown on the map. The dimensions of the signs are shown on the maps and they will be white banners. It will be 30 inches and 18 inches above the ground. Miguel Quismondo stated that they will oblige regarding Ron Gainer's comments on the lighting. They will be pointing down so there is no light pollution going up. We will respond to all your comments appropriately. Miguel Quismondo stated that the Gazebo will be sitting on granite pavers and the dimensions are listed on the map.

Glenn Watson stated that there is a little area of steep slopes at the new building that will be disturbed, so they have made an application for this. The application is not just for site plan approval, it is for a special use permit to allow that construction on the 20 percent slope. The green line shown on the map is the wetland buffer that was recently approved by the state and the town, so we are avoiding all activity in the wetland buffer. Glenn Watson stated that they are looking into some different options in regards to the septic system.

Neal Tomann asked when this residential building was added to the site plan? Glenn Watson

stated that it was always there. It was on the first site plan. Neal Tomann stated that he feels there is always something being added to the plan and that the board is not getting the full package. Glenn Watson stated that the building was always there, but it was in a different spot. Neal Tomann asked when will the board have more information on the residence?

Miquel Quismondo stated that when the board did its last site visit, we talked about this and Neal Zuckerman stated that the board needed a full understanding. We are just being up upfront and letting you know it is part of the overall plan.

Steve Gaba stated that if they are going to use it as a dormitory that they have to be upfront about it. Miquel Quismondo stated that it is not a dormitory, we have a scholar in residence now working doing research and we have a apartment for him in Beacon. This is going to be for them to live on the property. Steve Gaba stated that he feels that they should prepare a brief memo or write up on what it is being proposed for this dwelling, so the board would have something on the record saying this is what it is. Therefore, if later it morphs into something else everybody would know where we stand.

Glenn Watson stated that they have no problem doing that. Kim Conner stated that if it doesn't conform to the zoning then you would need a variance or a zoning change.

Kim Conner asked what about access onto Vineyard Road, and what is the agreement with the other people who access Vineyard Road. Glenn Watson stated that he doesn't really know. It was originally approved with the idea that this would be a road into a commercial development and then at the end of the commercial development there was an ODA road which goes up to four houses and the communications tower in the back. Glenn Watson stated that he doesn't think that they have violated any of that approval.

Miquel Quismondo stated that he spoke to Jared Del Valle which has the most amount of shares. We spoke about the maintenance agreement and that Magazzino would take over and we have already agreed on what they proposed. Kim Conner stated that the board would like to see some documentation to that effect.

Kim Conner asked that you are going to have a gazebo and a lot of events and how does that affect the septic? Glenn Watson stated that they are working on the sanitary design right now.

Kim Conner asked Steve Gaba if they have to have approval to have big events? Steve Gaba stated that the board amended the code to accommodate events at museums, so I don't believe that they would need one unless it was a "mass gathering". Kim Conner stated that it would be a mass gathering as it is over 100 people. Steve Gaba stated that it would be a Town Board issue, not the Planning Boards. Kim Conner stated that she is concerned with this as well with the residence.

Ron Gainer stated that this is the second meeting that the board has had a chance to hear what the project overall scope is. It is actually the initial appearance of the Site Plan application on the agenda, so the board should classify the project. Ron Gainer stated that, as he has said before, pursuant to your code it qualifies as a major site plan and someone should classify it at this point.

Kim Conner asked if she could get a motion to classify this as a major site plan approval?

Mr. Lewis made motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Ron Gainer stated that the board has actually already made referrals to the County Planning Department pursuant to GML 239m. You have also made the SEQRA lead agency circulation so that is also in the works. At this point you should decide whether the board wants to make a courtesy referral of the project materials to the North Highland Fire Department.

Kim Conner asked for a motion to have a courtesy referral to the north Highland Fire Department.

Mr. Lewis made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye

Ron Gainer stated that the board needs to decide if they need to do another site visit now that you understand the scope of the site plan application.

Kim Conner asked for a motion to have a site visit.

Mr. Tomann made the to schedule the site visit, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Kim Conner asked the board when they would like to have a site visit. The board decided that they could all do July 5th at 9:30 am.

Glenn Watson stated that he wanted to have a public hearing. Ron Gainer stated that it was premature, and that it should be on next month's agenda to merely review any comments that come out of the site visit, and whether any of the agencies that have received referrals have offered any comments for the Board to consider.

William & Lisa Cumming, 71 South Mountain Pass Spur, Garrison, New York (TM#82.-1-53 & 82.-1-52)

Glenn Watson stated that he would like the board to turn the applicant down, so they could appear before the ZBA for required variances. They have two pieces of property. The larger piece shown on the map on the north side has two houses. The Cummings recently acquired a second piece which is vacant. The Zoning Law prior to 2011 defined a single-family dwelling as a building or buildings which housed a single family and that came out of a time when families had staff and staff was considered family so they would stay in one building and the owner would stay in another. That is what we have here, the Cummings would like to give each of their children one of these houses and they would like to realign this lot so they have two different lots. They cannot make them all conforming.

Referring to the map on screen, Glenn Watson explained that what you have on the left hand side here is the present configuration in turquoise and yellow on the map, and we are seeking to take this red area out of the green and put it into the yellow so we end up with this smaller green parcel and a larger yellow parcel. The reason we have drawn the line where we did is so we can isolate all of the facilities that has to do with the back house. We can eliminate the driveway that's running right by the front house. Glenn Watson stated that they have some problems with this as they do not have 600 feet of frontage along the road. We have 583 feet, so we have given the northly parcel the requisite amount of frontage and we have taken the remainder for the rear parcel and that was driven by where the driveway had to go. The back parcel will be short on frontage, although it will now have some frontage which in some measure makes it more conforming. It will have 12 acres which makes it less non-conforming. At the same time, we have reduced the area that did have with the other lot, from 12 acres down to something like 4 ½ acres. That will be more non-conforming, so we will need a variance at the very least. We may need a frontage variance on the yellow lot shown on the map. Glenn Watson stated that what they are asking for from the board is that they are not eligible for approval so that we can get on the Zoning Board agenda.

Ron Gainer stated that, as Glenn Watson indicated, this as an application for a lot line adjustment. Based on the acreage being transferred, it qualifies as a subdivision pursuant to Chapter 112 of your regulations. They require variances, so at this point it is appropriate to deny the project and send them to the ZBA. Ron Gainer noted that once it moves forward through the ZBA, eventually you will have to make referrals to the County Planning because the property is adjacent New York State Park lands. This referral could be authorized tonight. Similarly, being a lot line adjustment, pursuant to the New York State SEQRA regulations this qualifies as a type 2 SEQRA action. You could make that determination today and then conclude your SEQRA responsibility, if you want to take that action as well tonight.

Steve Gaba stated that if you are going to deny it, you don't have to make a SEQRA determination since it is a type 2 action anyway. So there is no reason to wade into that. Steve Gaba stated that it is unwise to send out referrals out before knowing if they are going to get their variances. It may come back with different conditions attached. I think it should go to the ZBA and wait until it comes back and pick it up from there. Steve Gaba asked Glenn Watson what variances are you looking for from the ZBA, the road frontage and lot size is that it or are there others?

Glenn Watson stated that concerning the lot on the northly side it is inadequate lot size. We

believe the set backs are okay but any that aren't okay would pre-existing non-conforming. The other lot is growing to over 10 acres, but it doesn't have enough frontage.

Steve Gaba asked Glenn Watson that you don't want the Planning Board to make any determination as to the specific variances, do you want a referral?

Glenn Watson stated that he would like a referral. There are no area setback requirement issues. On the southerly lot the frontage is arguable, but I would rather play it safe and ask them for that variance.

Steve Gaba stated that he recommends the board to adopt a resolution denying the application on the grounds that it does not meet road frontage and lot size and referring it to the ZBA. I will draft up a letter to the ZBA from the Planning Board.

Kim Conner asked the board to make a motion to adopt a resolution denying the application and referring it to the ZBA for a variance for the road Frontage and lot size, and having Steve Gaba write a referral letter to the ZBA from the Planning Board.

Mr. Tomann made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Slope Line, LLC C/O The Scenic Hudson Trust, 1 Civic Center Plaza, Suite 200 Poughkeepsie, NY (TM parcel #'s 16.-1-19, 16.-1-18, 16.-1-11, 16.11-1-11, 16.-1-12, 16.-1-15, 16.-1-14, 16.-1-13, 16.-1-20, 16.-1-17, 16.-1-16, 16.11-1-1, 16.11-1-2, 16.11-1-3, 16.15-1-40)

Glenn Watson said that the application concerns 765 acres of property that's owned by Slopeline, and it surrounds about 60 residential lots that are quarter acre lots for the most part and they are developed. By way of history, Mr. Navoding, either by easement or permission or for a number of reasons, he allowed the people that he sold theses lots to have the run of the property. The property was sold to a Mr. Morris, who bought the property and was going to develop it and that started a bit of controversy. Mr. Morris went broke and the property went into a hedge fund and they held it and then Scenic Hudson came along with the idea of preserving this property so that it would never be developed.

There had been some discussions of what right the property owners had in Lake Valhalla. It is an ongoing serious discussion for several years now on how to settle it. They have come to an agreement that the property will be divided in a way that preserves the privacy of the community and it will also allow for the property to be fully preserved.

Referring to a map on screen, Glenn Watson stated that the green area shown on the map is the Lake Valhalla community, and there are a couple of pieces that are also members of it that are detached from that area. The 765 acres owned by Slopeline are going to be divided into three lots. Lot A - there will be no development on it. Slopelines intention is that it will be

eventually conveyed to the State. The State is interested in it. If that conveyance for some reason cannot be made, the disposal of it will be either be to remain to be held by Scenic Hudson or, if it is disposed of, it will be disposed of in a way that puts it in a permanent Conservation easement. The purple area shown on the map is about half of Lake Valhalla. Lake Valhalla is about 35 acres of a man-made lake, it contains a dam across the outfall stream and it contains an area up in the top of the purple area on that map that has a recreational facility. It has a place called Josephine heights that contains a picnic bench, an outhouse and a couple of other small facilities.

Glenn Watson stated that this whole piece of property is on the National Register. The purple area on the map is all the facilities that the Lake Valhalla residents enjoy and will be conveyed to a home owners association. The maintenance of it will be shared by the owners of the properties in the subdivision. Glenn Watson stated that there is also in the purple area tennis courts, beach area and there are numerous trails that people use.

Some of the land is basically not used, but if this all goes as planned this will be conveyed to the homeowners association subject to the vast majority of it being subject to conservation easement. There will be some areas where the improvements already exist. There be very little in terms of restrictions. That leaves Parcel C that belonged to Mr. Navoding, the fellow who developed this property. It contains his residence and at least one other residence and maybe a number of these out buildings. This lot will be sold intact to a private entity and subject to Zoning and subject to Conservation easement which will be tailored to this particular piece of property.

Glenn Watson stated that what you can expect from this approval is protection of all the blue, purple and yellow shown on the map. It doesn't itself provide for maintenance of the lake but the lake responsibilities will become responsibility of the homeowner's association, and it will settle a lot of concerns of a lot of people. It will not appear to look any different to anyone who visits the property.

Glenn Watson stated that he has asked for a waiver of providing contours on the whole property and you see the contours on the map. What you normally see this kind of map normally has two-foot contours and where the steeper parts get kind of dark it's because the contours get close together. What you have on this plan is 10-foot contours. This is a rugged piece of property, not conducive to development, which is above the blue area on the map.

Ron Gainer stated that the board received a technical review from his office. It's a subdivision. There are no new roadways being proposed. It actually qualifies as a "minor subdivision". That's something you could classify it as such tonight, which just lets the applicant move to final plat stage which is appropriate for minor subdivisions. The other issue that you might be able to consider tonight is to make referrals to Putnam County Planning. As much of the adjacent lands represent parklands, you should decide if you want to make referrals to the Conservation Board. There is actually no new development proposed, it's just a question on my part. Ron Gainer stated that tonight it is just a matter of declaring it a minor subdivision and making required referrals.

Steve Gaba said that for the board not to forget about the waiver because they will have to know

if he has to show the details or not. You would like to make a determination on that before you start sending out referrals. I would think you want to waive it given the size of the property but it's your decision of course.

Kim Conner asked can I get a motion to classify this as a minor site plan?

Mr. Lewis made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Kim Conner Can I get a motion that would be to grant a waiver for the two-foot contour line mapping?

Mr. Tomann made the motion, and Mr. Gagnon seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Kim Conner can I get a motion for referral to the Putnam County Planning?

Mr. Lewis made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Kim Conner stated that the next step is whether the board wants to refer this the Conservation Board. Does anyone have an objection?

Neal Tomann asked Steve Gaba if he sees anything in this that would point them towards the Conservation Board?

Peter Lewis asked if there are any potential wetland issues? Ron Gainer stated there isn't any development being proposed.

Kim Conner stated that it seems that no one wants to make that motion so we will leave that one

out.

Kim Conner asked Glenn Watson who was going to hole the Conservation easement? Glenn Watson stated that he did not know that but he can find that out for the Board. Kim Conner asked the pieces that say out that are not the residences in Lake Valhalla itself, what are those? Glenn Watson stated the ones that say out are privately held, they are actually part of the community. Those two parcels were sold later in the development of this property and they were sold independently so they don't touch the other lots. Kim Conner asked if they are part of the HOA? Glenn Watson stated that they are certainly invited to be part of the HOA. They will certainly be participating in the expense of the HOA.

Steve Gaba stated that it is an unlisted action but there's no other involved agencies so you just type it as an unlisted action and you're automatically lead agency.

Kim Conner asked for a motion to type this as an unlisted action under SEQRA?

Mr. Lewis made the motion, and Mr. Tomann seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Pamela Richardson with Slopeline and Scenic Hudson asked if there would be a public hearing, and if this would be an appropriate time to schedule one since we have been approved as a minor subdivision application?

Kim Conner stated that they are making public hearing in July and will continue into August if people want to write in or have any questions. Does the board and our consultants feel it would be appropriate to schedule a public hearing at this point?

Ron Gainer stated that the board has made a determination that you don't require a site visit, which would be the next step in the process. The referral to the Putnam County Planning Department will go out almost immediately, and it is very likely they will respond before the July meeting.

Steve Gaba stated that it is very important to be consistent in how you handle these applications.

Kim Conner asked Steve Gaba so you are advising that we hold a public hearing? Steve Gaba stated yes as long as you make it clear that it will be held open until August.

Kim Conner asked to make a motion to open a public hearing for July?

Mr. Tomann made the motion, and Mr. Gagnon seconded the motion. The vote was as follows:

Kim Conner: Aye

Dennis Gagnon: Aye

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Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Lombardi Lot Line Adjustment

TM 16.11-1-9 & 16.11-1-7

Glenn Watson asked to have the application of Joseph Pell Lombardi have a public hearing as he has been on the agenda since March with the same limitations and if anyone from Lake Valhalla has any questions, they can address them at the same meeting that Slopeline is on.

Kim Conner can I get a motion to add Mr. Lombardi to the July public hearings.

Mr. Tomann made the motion, and Mr. Lewis seconded the motion. The vote was as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye

Kim Conner: All opposed? Any abstentions? Motion passes.

Kim Conner made a motion to close adjourn the meeting, and Neal Tomann second the motion. The vote was as follows:

Kim Conner: Aye
Dennis Gagnon: Aye
Peter Lewis: Aye
Laura O'Connell: Aye
Neal Tomann: Aye
Heidi Wendel: Aye

The motion passed unanimously and the meeting adjourned at 9:40pm.

Date approved _____

Respectfully submitted by,

Kelly MacIntyre

*These minutes were prepared for the Philipstown Planning Board and are subject to review, comment, emendation and approval there upon.